



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,808	07/06/2001	Franky Lee Shacklee	004578.1132	8614

7590

07/11/2002

Luke K. Pedersen, Esq.  
Baker Botts L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, TX 75201-2980

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 07/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,808

Applicant(s)

SHACKLEE, FRANKY LEE

Examiner

Stephen J. Castellano

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10. 6) ☐ Other: .

Art Unit: 3727

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 30-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer et al. (Fischer).

Fischer discloses a weapon system comprising a storage vessel (2a), the storage vessel comprises an interior compartment and an access opening at one end; a removable end cap (6) releasably and mechanically coupled to the storage vessel and operable to close the access opening; a first flange (the portion of the part containing the stacking surfaces 3 and 4 which has a planar surface which extends parallel to the plane of the access opening and has slots (20) therein) extending from an outer surface of the storage vessel, the first flange being sized to cooperate with a corresponding second flange (the portion of anchor plate (16) which has a planar surface and extends parallel to the open end of the end cap (6) and has hooks (19) thereon) extending from an exterior surface of the end cap; and a generally rectangular first stacking lug (the part containing stacking surfaces 3 and 4) having a generally cylindrical, tubular interior diameter permanently affixed to the storage vessel. Hooks (19) latch within slots (20) to provide a mechanical fastener. The lug includes a cylindrical interior so that the stacking lug extends 360 degrees around the perimeter of the storage vessel.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3727

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Rocher.

Fischer discloses the first and second flanges as explicitly stated in the 102b rejection which precedes this rejection. Fischer discloses the invention except for the backing rings. Rocher teaches backing ring (19) which backs the first flange (profiled ring 12) on the storage vessel (11) and also backs the second flange (that part which incorporates inclined face (22), sealing rib (26) and everything that extends outwardly of these two elements including annular edge part (23) and hooked part (24), but not including the backing ring (19)), on the end cap (16). It would have been obvious to add the backing ring in order to make the sealed closure joint more secure to prevent inadvertent or unauthorized opening of the pressure vessel.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of LaBianca et al. (LaBianca).

Fischer discloses the invention except for the material of the stacking lug and storage vessel is not specified. LaBianca teaches stacking lug and pressure vessel materials made of high density polyethylene (see col. 10, lines 1-4). It would have been obvious to make the stacking lug and pressure vessel of Fischer from high density polyethylene in order to easily form the lug or storage vessel in a single forming operation.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of LaBianca and Snyder et al. ('733)(Snyder).

Fischer discloses the invention except for the material of the stacking lug is not specified. LaBianca teaches stacking lug materials made of high density polyethylene (see col. 10, lines 1-

Art Unit: 3727

4). It would have been obvious to make the stacking lug of Fischer from high density polyethylene in order to easily form the lug or storage vessel in a single forming operation. Snyder teaches a support for a vessel made from rotationally molded cross-linked high density polyethylene. It would have been further obvious to make the stacking lug from rotationally molded cross-linked high density polyethylene in order to provide weatherability, impact resistance and stress cracking resistance.

Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed June 21, 2002 have been fully considered but they are not persuasive. Applicant contends that Fischer does not provide first and second flanges. Fischer in fact does provide first and second flanges. The first flange is the portion of the part which contains stacking surfaces 3 and 4 and extends parallel to the access opening and includes slots (20). The second flange is that portion of the anchor plate (16) which extends parallel to the open end of the end cap (6) and includes hooks (19).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

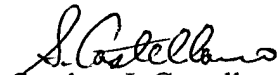
Art Unit: 3727

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3727

sjc  
July 8, 2002